

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the following remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Claims 1-32 are pending in this application, with Claims 1, 4, 11, 13, 19, 23, 31 and 32 being independent.

Claims 1, 4, 11, 13, 19, 23, 31 and 32 are amended to better define the claimed subject matter.

On page 2 of the Official Action an issue is raised regarding some minor informalities in Claims 23, 30, 31, and 32. Accordingly, Claims 23, 30, 31 and 32 are amended to remove these minor informalities.

Claims 1, 11, 19, 22, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,513,159, hereinafter *Dodson*, in view of JP 10-254708, hereinafter *Canon*. Claims 3 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dodson* in view of *Canon* and further in view of U.S. Patent No. 5,794,052, hereinafter *Harding*. Claims 4-5, 13-14, 23-24, 30, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,781,797, hereinafter *Crick* in view of *Canon*. Claims 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Crick* in view of *Canon*, and further in view of U.S. Patent No. 6,148,346, hereinafter *Hanson*. Claims 9, 18, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Crick* in view of *Canon*, and further in view of U.S. Patent No. 6,081,850, hereinafter *Garney*. Claims 10 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Crick* in view of *Canon*, and further in view of U.S. Patent No. 5,794,052, hereinafter *Harding*.

Rejections of Claims 1, 11, 19, 22 and 31

The Official Action rejects Claims 1, 11, 19, 22 and 31 as being unpatentable over *Dodson* in view of *Canon*.

Claim 1 is amended to better define the claimed subject matter and to include a recitation that the regional information corresponds to one of multiple different regions, and the multiple print drivers correspond to the multiple different regions, respectively. Thus, Claim 1 now defines a method for installing a printer driver stored on a recording medium on a computer terminal. Regional information that is set in the computer terminal in advance is referred, the regional information corresponding to one of multiple different regions. One of the multiple printer drivers stored on the recording medium is selected on the basis of the referred regional information. The multiple print drivers correspond to the multiple different regions, respectively. The printer driver is installed on the computer terminal.

Dodson discloses an automatic installation program that runs on a computer. The automatic installation program includes a system evaluator and a drive evaluator. The system evaluator evaluates the hardware configuration of the computer, and the drive evaluator determines what drivers are installed on the computer. If it is determined that a necessary driver is not installed on the computer, the installation program connects to a driver source location and installs or updates the drivers as needed. The drivers to be installed/updated are determined based on the platform configuration and version.

Canon discloses technology for simplifying the installation of software programs, such as drivers, that are specific to a particular region where the PC is to

be used. The *Canon* technology includes a regional information setup unit 102 which has regional information concerning the shipping destination regions for the PC 100. When the user turns on the computer, the PC 100 reads the regional information held in the regional information setup unit 102, obtains a telephone number of a support center which corresponds to the region in which the user resides and calls the support center based on that telephone number. The support center only possesses and transfers software specific to the particular region to the PC 100.

One of the differences between the cited disclosures and Claim 1 concerns selection of one of multiple print drivers stored on a recording medium on the basis of the referred regional information, the multiple print drivers corresponding to multiple different regions, respectively. There is no teaching or suggestion in either *Dodson* or *Cannon* of this feature. For example, *Dodson* relates to the configuration and version of the platform, and is not at all concerned with where in the world the computer is located. Thus, *Dodson* does not teach or suggest a recordable medium with region information corresponding to multiple different regions. *Canon* is concerned with the region in which the computer operates, but contacts a control center containing software corresponding to only one regional setting. Thus, *Canon* does not teach or suggest selection of one of multiple printer drivers stored on a recording medium on the basis of referred regional information, the multiple print drivers corresponding to multiple different regions, respectively.

Also, neither *Dodson* nor *Canon* discloses referring regional information set in a computer terminal in advance. *Dodson* is not at all related to regional information,

and *Canon* only has information relating to a single region that is not referred after initial deposit onto the computer.

Another difference between Claim 1 and the cited disclosures is that it would not have been obvious to modify *Dodson* to include *Canon's* features related to regional information, thereby teaching the features directed toward referring regional information set in the computer terminal in advance. As noted in the Official Action, the Examiner recognizes that *Dodson* does not teach referring regional information set in the computer terminal in advance and relies on *Canon* for a disclosure of such. The Examiner relies upon *Canon* as allegedly teaching referring regional information set in the computer terminal in advance in order to install the correct software. However, it would not have been obvious to modify *Dodson* to include the features noted by the Examiner at least because *Dodson* is not at all related to the idea of regional information as applied in the present specification or *Canon*. The Examiner finds motivation to combine in *Canon's* statement that having regional information set in the computer eliminates the user's burden of setting such region information. However, because *Dodson* does not involve regional information, the "burden of setting regional information" would not provide motivation to modify *Dodson*. The Examiner is reminded that "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." See MPEP 2143.01. Further, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." Here,

there would have been no motivation to add elements related to regional information to *Dodson's* device.

Claim 11 defines a computer readable medium that includes multiple printer drivers and an installation program for installing one of the printer drivers to a computer terminal which installation program executes a method substantially the same as Claim 1. Likewise, Claims 19 and 31 recite the feature of "a selection step of selecting one of a plurality of printer drivers on the basis of the referred regional information...". Accordingly, Claims 11, 19 and 31 are also patentable over the combination of *Dodson* and *Canon* at least for the reasons as set forth above with respect to Claim 1.

Rejections of Claims 4, 13, 23 and 32

The Official Action rejects Claims 4, 13, 23 and 32 as being unpatentable over *Crick* in view of *Canon*.

Claim 4 is amended to better define that the regional information corresponds to multiple different regions, and that multiple pieces of setup information correspond to the multiple different regions, respectively. Thus, Claim 4 presently defines a method for installing a printer driver stored on a recording medium on a computer terminal. Regional information that is set in the computer terminal in advance is referred, the regional information corresponding to one of multiple different regions. A piece of setup information from multiple pieces of information stored on the recording medium is selected on the basis of the referred regional information, the multiple pieces of setup information corresponding to the multiple different regions,

respectively. A control program contained in the printer driver and the selected piece of setup information on the computer terminal is installed.

Crick discloses subject matter relating to a method and system for configuring and executing device drivers. The operating system configures a plurality of component drivers (present in the operating system) to make up the device drivers at start up. That is, the operating system has a plurality of component drivers that are available on the operating system to be configured into a device driver. To configure a device driver, the operating system invokes each component driver to determine whether the component driver should be included as a layer in the device driver. As described in the Background of the Invention section of *Crick*, the objective of *Crick* is to dynamically configure device drivers from component drivers that are present in the operating system, rather than installing drivers.

Canon discloses technology for simplifying the installation of software programs, such as drivers, that are specific to a particular region where the PC is to be used. Please refer to the specific description above.

One of the differences between the cited disclosures and Claim 4 is the feature directed toward selecting a piece of setup information from multiple pieces of information stored on the recording medium on the basis of the referred regional information, the multiple pieces of setup information corresponding to the multiple different regions, respectively. Neither *Crick* nor *Canon* discloses this feature. For example, as noted in the Official Action, *Crick* does not disclose subject matter relating to regional information. *Canon* is related to regional information, but does not select setup information from multiple pieces of information stored on a recording medium, the multiple pieces corresponding to the multiple different regions,

respectively. Rather, *Canon* discloses a control center that contains one type of regional specific information that does not correspond to different regions respectively.

Also, there would have been no motivation to modify *Crick* to include *Canon's* subject matter related to regional information at least because *Crick* is not related to regional information. The Official Action asserts that modifying *Crick* in view of *Canon* to include referral of regional information is obvious "because it would eliminate the user's burden for selecting the software for the region that the user belong, and the manufacture can prepare only one kind of pre-installation software for each language, so that the manufacture can achieve a substantial saving in the process of preparation, evaluation, and management." However, this recitation is drawn from *Canon's* specification and relates to benefits connected to regional information. At least because *Crick* does not relate to regional information, a skilled person would find no motivation in *Canon's* discussion of regional information to modify *Crick* to include such regional information.

Also, Claim 4 defines "[a] method for installing a printer driver stored on a recording medium on a computer terminal..." In contrast, *Crick* does not involve or relate to installation of a driver that is stored on a recording medium. Rather, *Crick* discloses configuring the component drivers to construct a device driver, thereby avoiding the necessity of installing a driver.

It appears that the Examiner is improperly ignoring the claim language relating to installation of a driver that is stored on a recording medium because it is in the preamble of the claim. However, it is well established that a preamble must be considered a limitation to the claim if "that language is essential to particularly point

out the invention defined by the claims". *DiversiTech Corp. v. Century Steps Inc.*, 7 U.S.P.Q.2d 1315, 1317 (Fed. Cir. 1988) (quoting *In re Bulloch*, 203 U.S.P.Q. 171, 174 (C.C.P.A. 1979)). See also *Perkin-Elmer Corp. v. Computervision Corp.*, 221 U.S.P.Q. 669, 675 (Fed. Cir.), *cert. denied*, 469 U.S. 857, 225 U.S.P.Q. 792 (1984) (the limitations appearing in the preamble are necessary to give meaning to the claim and properly define the invention). That is, when the claims depend "upon the preamble for life, vitality, and meaning... the limitation in the preamble apply". *California Car Wash Systems, Inc. v. Danco, Inc.*, 184 U.S.P.Q. 13, 15 (N.D. Ga. 1974).

As applied to this case, Claim 4 recites "installing a printer driver stored on a recording medium". In contrast, *Crick* reconfigures component drivers that are contained within the operating system to construct a device driver, thereby avoiding the need to install a driver that is contained on a recording medium.

As noted earlier, the Official Action rejects Claims 2, 3, 5-10, 12, 14-18, 21, 22 and 24-30 based on a number of secondary references. However, as relied upon in the Official Action, none of the secondary references remedy the deficiencies of the rejections of the independent claims from which Claims 2, 3, 5-10, 12, 14-18, 21, 22 and 24-30 depend. Therefore, Claims 2, 3, 5-10, 12, 14-18, 21, 22 and 24-30 are allowable for at least the same reasons.

In view of the foregoing information, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections of the claims.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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